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| 09/820,029 | 03/28/2001 | Jeffrey Wissing | NC17377 | 3683 |

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| EXAMINER | |
|---|---|
| MOORE, IAN N | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2616 | |

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/820,029 | WISSING ET AL. | |
| | Examiner | Art Unit | |
| | Ian N. Moore | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *29 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) *1-6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Amended Claims 9-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Amended Claim 9** recites, "**energizing a relay to couple the line to a DSL modem, wherein the line has said on-hook condition, in response to the DSL modem receiving a suppression signal**; and activating switching means for bypassing..." in lines 4-5. The applicant's entire specification (particularly in paragraphs 11,30,33) and all figures recite, "activating switching means for bypassing **only in repose to the DSL modem receiving a suppression signal.** The disclosures recites, in general, a suppression signal triggers bypassing/quiescent state to bypass/ quiescent the modem. Nowhere in the specifications or figures disclose "energizing a relay to couple the line to a DSL modem, wherein the line has said on-hook condition, **in response to the DSL modem receiving a suppression signal"** as amended by the applicant. Another word, the disclosure does not disclose the suppression signal trigger a normal stat where traffic is connected and routed via a DSL modem.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tate (US006400803B1).

**Regarding Claim 7**, Tate discloses a DSL suppression circuit for suppressing DSL modem operation (see FIG. 2, CPE 12, or see FIG. 3, CPE 300) on a local loop (see FIG. 3, local loop/line port 340), comprising:

a loop current detector (see FIG. 2, lifeline detect in CPE 12) for sensing current drain on the local loop (see FIG. 2-3, the current drain/off-hook is detected when the circuit is enable/activated for lifeline mode); see col. 4, line 8-24; 50-67; see col. 5, line 16-46; also see FIG. 5);

a means for providing a suppression signal controllable by said loop current detector (see FIG. 3, upon loss/removal/fail of local power, a combined system of Lifeline router 320 and relay switches 331-334, 301 is arranged to provide direct connection by means of a signal/indication to switch to a lifeline mode; see col. 4, line 36-45, 50 to col. 5, line 27); and

a master DSL modem (see FIG. 3, DSL modem 310) operative coupled to a subscriber line interface circuit (SLIC) (see FIG. 3, an interface circuit of the switch 331-334 and 301 for

subscriber), said master DSL modem operating in a quiescent state upon receiving the suppression signal (see col. 4, line 1-33, 56-62; see col. 5, line 17-46; a DSL modem 310 is unavailable/suspended/down when it is in a lifeline mode), wherein the SLIC provides power to a subscriber line (see FIG. 3, local subscriber line 351-354) during the quiescent state (see col. 4, line 1-33, 56-62; see col. 5, line 17-46; interfaces of the switches 331-334 and 301 provides power to local subscriber line 351-354 bypassing a DSL modem 310 in a lifeline mode).

**Regarding Claim 8**, Tate discloses a relay (see FIG. 3, relay within a switch 331-334 and 301) operable on a removal of power to connect a voice conductor pair to the local loop (see col. 4, line 30-62; upon loss/removal of local power, relay switches are arranged to provide direct voice connection).

**Regarding Claim 9**, Tate discloses a method for providing a customer premise line connection (see FIG. 2, CPE 12, or see FIG. 3, CPE 300) to a DSL modem (see FIG. 3, DSL modem 310) comprising the steps of:

detecting whether the line has a off-hook condition or an on-hook condition (see FIG. 2; see FIG. 2, lifeline detect in CPE 12, see FIG. 5; see col. 4, line 8-24; 50-67; see col. 5, line 16-46; detecting whether the circuit is "off the hook" (i.e. when the circuit is enable/activated for lifeline mode) or "on the hook" (i.e. when the circuit is idle/normal in normal mode))) and

energizing a relay (see FIG. 3, relay within switches 331-334 and 301) to couple the customer premise line to a DSL modem, wherein the line has said on-hook condition (see FIG. 3, DSL modem 310; see col. 4, line 9-24; 37-59; when there circuit is not activated, relay switches the subscriber line 340 to a DSL modem 310) in response to the DSL modem receiving a suppression signal (see col. 3, line 44-46, 55 to col. 4, line 2, 14-10,36-45; see col. 5, line 1-24;

when a signal with signaling information that indicates to switch/enter to a lifeline mode due to a lost of local power is received at the DSL modem),

activating switching means for bypassing the DSL modem during a quiescent state (see FIG. 3, Lifeline router 320 sending a signal/indication to bypass a DSL modem 310 in a lifeline mode when a DSL modem 310 is unavailable/suspended/down; see col. 4, line 36-45, 50 to col. 5, line 27).

**Regarding Claim 10**, Tate discloses wherein the step of detecting said off-hook condition comprises the step of sensing current drain (see FIG. 2-3, the current drain/off-hook is detected when the circuit is enable/activated for lifeline mode); see col. 4, line 8-24; 50-67; see col. 5, line 16-46; also see FIG. 5).

**Regarding Claim 11**, Tate discloses the step of booting up a processor (see FIG. 2, CPE 12, or see FIG. 3, CPE 300 has a processor and that must be turn on (i.e. booting) to perform processing; see col. 3, line 35-65; see col. 4, line 45-65).

**Regarding Claim 12**, Tate discloses connecting the line to at least one subscriber line interface circuit (SLIC) (see FIG. 3, relay 331-334 and 301 connects the line to an interface circuit of the switch 331-334 and 301 for each subscriber in the lifeline mode; see col. 4, line 36-45, 50 to col. 5, line 27).

**Regarding Claim 13**, Tate discloses connecting the DSL modem to a subscriber line (see FIG. 3, relay 331-334 and 301 connects the line to DSL modem 310 for each subscriber in the normal mode; see FIG. 3, DSL modem 310; see col. 4, line 9-24; 37-59).

***Response to Arguments***

5. Applicant's arguments filed 9-20-05 have been fully considered but they are not persuasive.

**Regarding claim 7-8, the applicant argued that,** "...Tate fails to disclose or suggest at least the feature of a master DSL modem operative coupled to a subscriber line interface circuit (SLIC), said master DSL modem operating in a quiescent state upon receiving the suppression signal arriving at the DSL, wherein he SLIC provides power to a subscriber line during quiescent state ..." in page 99 paragraph 1.

**In response to applicant's argument, the examiner respectfully disagrees** with the argument above. Tate discloses providing a suppression signal (see FIG. 3, upon loss/removal/fail of local power, a combined system of Lifeline router 320 and relay switches 331-334, 301 is arranged to provide direct connection by means of a signal/indication to switch to a lifeline mode; see col. 4, line 36-45, 50 to col. 5, line 27). Moreover, Tate discloses a signal with signaling information that indicates to switch entry/exit a lifeline mode (i.e. a suppression signal which suppress the function/operation of DSL modem) is received/detected and provided to a DSL modem in CPE 300 (via Mux 13) from local exchange. Such a signal is also detected and processed at CPE 300. Based on the detected signal with signaling information that indicates to switch/enter to a lifeline mode due to a lost of local power; see col. 3, line 44-46, 55 to col. 4, line 2, 14-10,36-45; see col. 5, line 1-24.

Tate also disclose a master DSL modem (see FIG. 3, DSL modem 310) operative coupled to a subscriber line interface circuit (SLIC) (see FIG. 3, an interface circuit of the switch 331-334 and 301 for subscriber), said master DSL modem operating in a quiescent state upon receiving

the suppression signal (see col. 4, line 1-33, 56-62; see col. 5, line 17-46; a DSL modem 310 is unavailable/suspended/down when it is in a lifeline mode (i.e. the operation of DSL modem is suppressed)), wherein the SLIC provides power to a subscriber line (see FIG. 3, local subscriber line 351-354) during the quiescent state (see col. 4, line 1-33, 56-62; see col. 5, line 17-46; interfaces of the switches 331-334 and 301 provides power to local subscriber line 351-354 bypassing a DSL modem 310 in a lifeline mode).

Also, Tate clearly discloses "a signal with signaling information that indicates to switch entry/exit a lifeline mode" (i.e. a suppression signal which suppress the function/operation of DSL modem), which a required and essential signal is received/detected in the CPE in order to enter suspend/suppress DSL modem 310 operation, receive power from central office (since the local power is down), and turn on router 320 for bypass mode; see col. 3, line 44-46, 55 to col. 4, line 2, 14-10,36-45; see col. 5, line 1-24.

**Regarding claim 9-13, the applicant argued that,** "...Tate fails to disclose or suggest at least the feature of energizing a relay to couple the customer premise line to a DSL modem, wherein the line has said on-hook condition in response to the DSL modem receiving a suppression signal...in page 99 paragraph 1.

**In response to applicant's argument, the examiner respectfully disagrees** with the argument above. Tate discloses energizing a relay (see FIG. 3, relay within switches 331-334 and 301) to couple the customer premise line to a DSL modem, wherein the line has said on-hook condition (see FIG. 3, DSL modem 310; see col. 4, line 9-24; 37-59; when there circuit is not activated, relay switches the subscriber line 340 to a DSL modem 310) in response to the DSL modem receiving a suppression signal (see col. 3, line 44-46, 55 to col. 4, line 2, 14-10,36-45;

see col. 5, line 1-24; when a signal with signaling information that indicates to switch/enter to a lifeline mode due to a lost of local power is received at the DSL modem). Regarding the argument on "a suppression signal", please see the response to claim 7 above.

Moreover, the applicant claimed invention is so well known and established in the art as "lifeline" system as disclosed by the following prior arts:

**1) Bridger et al. – US006272209B1**- see FIG. 3; providing lifeline service for power outage at CPE 350.

**2) Chea, Jr. et al.- US006546089B1**- FIG. 4; providing lifeline service for power outage at CPE.

**3) Akers –US005883941A** – see FIG. 1; providing lifeline service for power outage at CPE.

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the Tate as set forth in the rejections are proper.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
4-14-06

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